



INDIANA UTILITY REGULATORY COMMISSION
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FILED

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INDIANA UTILITY
REGULATORY COMMISSION
CAUSE NO. 42315

**VERIFIED PETITION FOR A CERTIFICATE)
OF TERRITORIAL AUTHORITY TO RESELL)
BUNDLED LOCAL EXCHANGE TELEPHONE)
SERVICES WITHIN THE STATE OF INDIANA)**

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") makes the following entry in this Cause:

On October 30, 2002, Home Phone, Inc. ("Petitioner") filed its Application for the issuance of a Certificate of Territorial Authority ("CTA") authorizing it to provide local exchange telecommunication service throughout the State of Indiana on a bundled resale basis pursuant to Indiana Code 8-1-2-88, Section 253 of the federal Telecommunications Act of 1996, and the regulatory procedures prescribed by the Commission in its Order issued in Cause No. 39983 on July 1, 1996.


As established in the July 1, 1996 Order in Cause No. 39983, an entity seeking a CTA must establish that it has the financial, technical and managerial abilities to provide the requested telecommunication service. The financial information filed by Petitioner in this Cause is insufficient to establish that it has the financial ability to provide the requested telecommunication service. Of particular concern is the October 18, 2002 letter from Certified Public Accountant J. Tim Lynch which states: "Kenneth R. Calkins has elected to omit substantially all of the disclosures required by generally accepted accounting principles. If the omitted disclosures were included in the statement of financial condition, they might influence the user's conclusions about the financial condition of Kenneth R. Calkins. Accordingly, this statement of financial condition is not designed for those who are not informed about such matters."

Therefore, in order for the Commission to make a determination regarding the issuance of a CTA in this proceeding, it is requested that Petitioner provide the Commission with additional financial information.¹ In its additional information, Petitioner should address the following issues: Is there a separate financial statement for Petitioner? If so, please submit that financial statement. If not, will any individual or entity guarantee appropriate refunds to Petitioner's customers if Petitioner fails financially? To the extent Petitioner is relying on the financial statement of Kenneth R. Calkins for Commission approval of a CTA, please submit a financial statement for

¹ The Indiana Office of Utility Consumer Counselor is also seeking additional information from Petitioner, through discovery, as stated in its Motion for Extension of Procedural Schedule filed December 20, 2002.

Kenneth R. Calkins that eliminates the need for the type of statement quoted above from a Certified Public Accountant. The requested information should be filed with the Commission within three (3) weeks from the date of this Entry.

IT IS SO ORDERED.



William G. Divine
Administrative Law Judge

Date: 1-3-03



Nancy E. Manley
Secretary to the Commission